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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/199,127	11/24/98	ADDIS	

EXAMINER	012B
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PM92/1012
HOPGOOD CALIMAFDE KALIL AND JUDLOWE
60 EAST 42ND STREET SUITE 4000
NEW YORK NY 10165

ART UNIT	PAPER NUMBER
PHAM, I	8

DATE MAILED:

10/12/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 8/4/99
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-28 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. Pat. No. 2,301,635 in view of U.S. Pat. No. 5,395,124 to Brandon.

The British patent discloses a seal arrangement comprising a plurality segmental segments juxtaposed so as to form an annulus. Each segment comprises a body portion having a longitudinal grooved with a plurality of brush segments mounted therein. The British patent, however, fails to disclose the body portion being provided with a bore in opposing side edge surfaces for accepting a spring spanning the bore and a bore in an adjacent ring segment. However, Brandon discloses a packing ring segment having a body portion with a bore in opposing side edge surfaces for accepting a spring spanning the bore and a bore in an adjacent packing ring segment. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the body portion of the British patent with a bore for accepting a spring so as to provide a means of neutralizing packing segment weight forces, as taught by Brandon.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. Pat. No. 2,301,635 in view of U.S. Pat. No. 5,395,124 to Brandon as applied to claim 1 above and further in view of U.S. Pat. No. 5,176,389 to Noone et al.

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The British patent discloses the claimed invention except for the bristle segments being bounded between a pair of plates having an incised channel to receive the base end portion of the bristles. Noone et al. teaches an alternative means of mounting the bristle segments by bounding the bristles between a pair of plates. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the lugs (30) of the British patent for the plate of Noone et al. so as to provide an alternative method of mounting the bristles to the ring segment.

4. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. Pat. No. 2,301,635 in view of U.S. Pat. No. 5,547,340 to Dalton et al.

The British patent discloses the claimed invention; however, it is silent as to the structure of turbine in which the seal is being used. However, Dalton et al. discloses a turbine having the claimed structural features. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute one well known turbine for another known turbine.

5. Claim 6-10 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. Pat. No. 2,301,635 in view of U.S. Pat. No. 5,547,340 to Dalton et al. as applied to claims 5 and 15 above, and further in view of U.S. Pat. No. 5,509,780 to Synfelt.

The British patent, as modified, teaches a coil spring (23) interposed between the casing shoulders and an inner surface of the outer ring portion of the ring segment. Synfelt teaches a seal which uses a flat spring interposed between the casing shoulders and the inner surface of the outer ring portion of the ring segment. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute one well known spring for another known spring.

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6. Claim 11-14 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. Pat. No. 2,301,635 in view of U.S. Pat. No. 5,547,340 to Dalton et al. and U.S. Pat. No. 5,509,780 to Synfelt as applied to claims 10 and 20 above and further in view of 5,176,389 to Noone et al.

The British patent, as modified, discloses the claimed invention except for the bristle segments being bounded between a pair of plates having an incised channel to receive the base end portion of the bristles. Noone et al. teaches an alternative means of mounted the bristle segments by bounding the bristles between a pair of plate. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the lugs (30) of the British patent for the plate of Noone et al. so as to provide an alternative method of mounting the bristles to the ring segment.

Double Patenting

7. Claims 1 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 61-85 of copending Application No. 08/891,526 in view of U.S. Pat. No. 5,395,124 to Brandon. The claims of copending applicant fails to recite a bore in the body portion for accepting a spring spanning the bore and a bore in an adjacent ring segment. However, Brandon discloses a packing ring comprising a plurality of ring segments with each being provided with a bore for accepting a spring. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the ring segment of the copending application with a bore for accommodating gravity springs to neutralize packing segment weight forces, as taught by Brandon.

This is a provisional obviousness-type double patenting rejection.

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8. Claim 1-4, 15-19 and 21-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 61-85 of copending Application No. 08/891,526 in view of U.S. Pat. No. 5,395,124 to Brandon. The claims of copending applicant fails to recite a bore in the body portion for accepting a spring spanning the bore and a bore in an adjacent ring segment. However, Brandon discloses a packing ring comprising a plurality of ring segments with each being provided with a bore for accepting a spring. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the ring segment of the copending application with a bore for accommodating gravity springs to neutralize packing segment weight forces, as taught by Brandon.

This is a provisional obviousness-type double patenting rejection.

Response to Arguments

9. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teri Pham whose telephone number is (703) 305-7421. The examiner can normally be reached on Monday-Friday from 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Meyers, can be reached at (703) 308-3868.

Submission of your response by facsimile transmission is encouraged. Group 3620's facsimile number is **(703) 305-3597**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

(Typed or printed name of person signing this certificate)


(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be directed to steven.meyers@uspto.gov.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed expressed waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.


TERI PHAM
PATENT EXAMINER

tqp
October 11, 1999